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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,214	01/14/2002	Richard Knight	3004-1001-1	6187
7590	01/26/2005		EXAMINER	
Heinz D. Grether HULSEY GRETHER + FORTKORT LLP 8911 N. Capital of Texas Highway Suite 3200 Austin, TX 78759			HUSAR, STEPHEN F	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/043,214	KNIGHT, RICHARD
	Examiner Stephen F. Husar	Art Unit 2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 November 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 11-16, 18-21 and 23-48 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 11-16, 18-21 and 23-30 is/are allowed.  
 6) Claim(s) 31, 33-42, 44-46 and 48 is/are rejected.  
 7) Claim(s) 32, 43 and 47 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 31,33-42,44-46 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by McGee (5595441). Re claims 31 and 41, McGee shows in Fig.8: a plurality of LEDs "90" that are pivotally mounted on a support formed by pivot "64" and housing "61". Re claim 31, the term "automated lighting" is considered intended use as there is no automation structure set forth in the claim to allow one to ascertain what the term implies. Re claim 41, note that the structure shown in Fig.8 of McGee inherently changes the perceived width of light beam as one pivots the support with respect to the viewer. Re claim 33, note joint member "64" (Fig.8). Re claim 34, col.3, lines 33-52 disclose that the LEDs are used as vehicle headlights, which are required to be white light. Re claim 35-40, see Fig.3. Re claims 42,44-46, and 48, see Fig.3 and note that by pivoting the supports "58 and 60" one changes the width and height of the light beam formed by the LEDs.

### ***Allowable Subject Matter***

3. Claims 11-16,18-21, and 23-30 are allowed.

4. Claims 32,43, and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: Claims 11-16,18 and 19 are allowable because the prior art does not teach or show a plurality of LEDs mounted on a support with a universal joint so that LEDs are adjustable to change at least one of an angle or shape of the light beam produced by the LEDs. Claims 20,21, and 23-25 are allowable because the prior art does not teach or show a plurality of LEDs each pivotably mounted on a support with a universal joint that together form a source of light. Claims 26-30 are allowable because the prior art does not teach or show a plurality of LEDs that are each pivotably mounted on a support with elongated elements attached to the LEDs that are movable and cause pivotal motion of the LEDs . Claim 32 would be allowable because it recites that the support is movable between a planar and non-planar configuration. Claims 43 and 47 would be allowable because they recite that the beam formed is near round and the width of the round beam changes.

***Response to Arguments***

6. Applicant's arguments filed 8/24/04 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 31,33-42,44-46 and 48 are centered about two arguments, which are not considered persuasive. First is the argument that McGee's lights are not automated. The term "automated" is considered to be intended use absent a recitation of any automation structure in applicant's claims.

Further, since there is no limitation indicating what is automated it can be said that McGee structure is automated in that it automatically switches the LEDs on and off when the supports are pivoted see col.4, lines 1-20. The second argument is that the LEDs of McGee do not form a beam or a beam whose characteristic is changeable. This argument is not understood in that a beam is a ray of light emitted by each LED and by changing the physical orientation of the row of LEDs on each pivoting support you are changing the width and direction of the beams. In response to applicant's arguments above that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., automated lighting structure and structure for providing focused light beams) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Husar whose telephone number is 571-272-2371. The examiner can normally be reached on M-W and F from 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Stephen F. Husar  
Primary Examiner  
Art Unit 2875

SFH